THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 18685 of 2006

Oral order:

The petitioner was a Craftsman with the Indian Army. While working as such, on the ground that the petitioner contracted plural marriage, the 3rd respondent after issuing notice to the petitioner and calling for his explanation, having regard to Regulation 333(C)(c) of the Regulations for the Army, 1987 (Volume-I), vide order dated 31.10.2005 discharged the petitioner from service. Assailing the said discharge order, the petitioner filed the present writ petition.

The respondents filed counter contending that since the petitioner has himself admitted that he had contracted plural marriage, no exception can be taken to the order passed by the 3rd respondent discharging the petitioner from service.

Be that as it may, it is submitted by the learned Assistant Solicitor General appearing for the respondents-Indian Army and admitted to by the learned counsel for the petitioner that as against the impugned order of discharge passed by the 3rd respondent, the petitioner has a remedy of statutory complaint under Regulation 364(b) of the Regulations for the Army, 1987, whereunder JCOs and OR can complain to the COAS in the first instance, and if they are not satisfied with the decision of COAS they may complain to the (Chief of Army Staff) Central Government whose decision shall be final.

In view of availability of statutory complaint, the learned counsel for the petitioner prayed that the petitioner may be permitted to withdraw the writ petition with liberty to avail the remedy of filing

statutory complaint.

Accordingly permission is accorded, and the writ petition is dismissed as withdrawn granting liberty to the petitioner to avail the remedy of statutory complaint as against the impugned order of discharge, as available to him under Regulation 364(b) of the Regulations for the Army, 1987 to the COAS. There shall be no order as to costs.

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N.V. RAMANA, J.

Dated: 5th September, 2007
KSR